

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Tony Andrew Richardson

Docket No. 5:99-CR-96-5BO

Petition for Action on Supervised Release

COMES NOW Scott Plaster, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Tony Andrew Richardson, who, upon an earlier plea of guilty to Conspiracy to Distribute Cocaine and Cocaine Base (Crack), in violation of 21 U.S.C. §§ 846 and 841(a)(1), was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on May 17, 2000, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court.

Tony Andrew Richardson was released from custody on July 22, 2008, at which time the term of supervised release commenced.

On April 26, 2010, in response to the defendant's arrest for Driving While Impaired on April 9, 2010, the conditions of supervised release were modified to include a curfew from 8:00pm to 6:00am, or as otherwise directed by the probation officer, for a period of 30 consecutive days, with electronic monitoring. On June 1, 2011, the defendant entered a plea of guilty to the lesser offense of Reckless Driving to Endanger and was sentenced to unsupervised probation for 12 months.

On January 25, 2011, the conditions of supervised release were modified again following the defendant's verbal admission to cocaine use in December 2010, resulting in the defendant losing his job. The conditions of supervision were modified to include substance abuse treatment and the addition to the DROPS Program.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant submitted a random urine screen on May 5, 2011, that returned from the laboratory positive for the presence of cocaine. When confronted with the result of the drug test on multiple occasions, Mr. Richardson denied using any illegal drugs. Mr. Richardson completed substance abuse treatment in the weeks following the submission of the drug test. Additionally, there have been several instances in which the defendant has had contact with law enforcement for traffic violations such as Speeding, No Operator's License, Allow Unlicensed to Drive, Reckless Driving to Endanger, and Exceeding Safe Speed, that he failed to report to the probation officer. All charges were dismissed or the defendant received a prayer for judgment. Although the DROPS Program was added to the conditions of supervision on January 25, 2011, it is recommended the defendant's supervision be modified to include 24 hours of community service work in lieu of the

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DROPS sanction as a means to address the noncompliant behavior in a more timely and productive manner. Mr. Richardson has been warned that additional violations will result in a return to court for revocation proceedings. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Scott Plaster
Scott Plaster
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: June 6, 2011

ORDER OF COURT

Considered and ordered this 6 day of June, 2011, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge